

REMARKS

Claims 8-9, 10 in part, 16-17, 18-19 in part and 20-22 are under examination.

In the outstanding Office Action, the examiner objected to the disclosure on the grounds that (a) the first line of the specification needed to be updated to indicate that parent application 09/171,945 is now U.S. Patent 6,277,599, and (b) the title of the invention was insufficiently descriptive. Applicant respectfully submits that the amendments to the specification set forth above obviate these objections.

Claims 10, 18 and 19 were objected to as being informal in that the claims encompass non-elected subject matter and contain non-elected embodiments. Applicants respectfully submit that these informalities have been corrected by amendments set forth to the appropriate claims.

Claims 8-9, 16-17 and 19-21 have been rejected under 35 U.S.C. § 101 on the basis that the claims are directed to non-statutory subject matter. Specifically, the examiner asserted that the claims do not distinguish sufficiently over polynucleotides as they exist naturally because the claims do not particularly point out any non-naturally occurring differences between the claimed polynucleotides and compositions and the structures of naturally occurring polynucleotides which exist in

nature. The examiner noted that this rejection would be obviated by amending the claims to recite "an isolated" polynucleotide. Applicants have so amended the claims above.

Claims 8-10 and 16-22 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Specifically, the examiner found that claim 1 and the claims depending from it were indefinite in reciting "('806.077 Ab')" as the exact meaning of that term was unclear. More particularly, he asserted that it was not clear if "806.077Ab" is the same as "806.077" recited in the specification at page 8, lines 25-26 or lines 27-28.

Applicants respectfully submit that this rejection has been obviated by the amendment set forth above to the paragraph containing lines 27-30 on page 8 of the specification. This amendment makes more clear that these lines refer to hybridoma 806.077. The hybridoma was deposited as a specific example of a cell line capable of producing 806.077 antibody as defined in claim 8. Claim 8 is directed to a polynucleotide sequence encoding a polypeptide comprising the antibody as defined by its characteristic CDR sequences.

Claims 21 and 22 were found to be indefinite for reciting "optionally," on the basis that the exact meaning of that term is unclear. Applicant respectfully submits that this rejection has been obviated by the amendments set forth above to claims 21 and 22 and the introduction of new claims 23 and 24.

Claims 8-10 and 16-22 were found to be indefinite for reciting the abbreviation "CEA" in claim 8. This rejection has been obviated by the amendment to claim 8 to provide the full name for the antigen.

Claims 8-10 and 16-22 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, the examiner asserted that the deposit information regarding hybridoma 806.077 provided in the specification does not provide sufficient assurances that all conditions of 37 CFR 1.801-1.809 have been met.

Enclosed herewith is a copy of a statement signed by the Applicants' undersigned attorney during prosecution of the parent of the present application to which is attached a copy of the receipt provided to the Applicants from the European Collection of Animal Cell Cultures of the Centre for Applied Microbiology and Research which provides that the deposit of the hybridoma cell line

designated 806.077 was accorded accession number 96022936 and was deposited in accordance with the provisions of the Budapest Treaty.

In view of the foregoing amendments and discussion, Applicants respectfully submit that the pending claims of this application are in condition for allowance.

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